

CALL NO.  
CA1  
CEC  
-1940  
H16  
GOVT

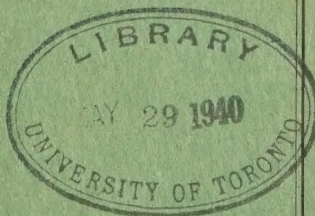
Government  
Publication

CANADA

*made*  
ENSORSHIP CO-ORDINATION COMMITTEE

# HANDBOOK


PRESS AND RADIO BROADCASTING  
CENSORSHIP



OTTAWA  
J. O. PATENAUDE, I.S.O.  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1940

rch, 1940





Digitized by the Internet Archive  
in 2021 with funding from  
University of Toronto

<https://archive.org/details/31761114654700>

Gov. Doc

Can  
Com

Government  
Publications

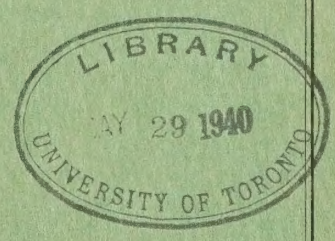
CANADA

Canada

CENSORSHIP CO-ORDINATION COMMITTEE

# HANDBOOK

PRESS AND RADIO BROADCASTING  
CENSORSHIP



OTTAWA  
J. O. PATENAUDE, I.S.O.  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1940

March, 1940





CANADA

CA1  
CF  
-40H

CENSORSHIP CO-ORDINATION COMMITTEE

# HANDBOOK

PRESS AND RADIO BROADCASTING  
CENSORSHIP



OTTAWA  
J. O. PATENAUDE, I.S.O.  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1940

March, 1940





# CONTENTS

## PART I—GENERAL

PARAGRAPH	PAGE
1. Definition .....	5
2. Objects of Censorship.....	5
3. Authority for Censorship.....	5
4. Nature of Censorship Required to Achieve These Objects.....	6

## PART II—PRESS CENSORSHIP

5 & 6. The Law Specifically Relating to Press Censorship.....	7
7. The Law Respecting the Safeguarding of Information Useful to the Enemy .....	7
8. The Law Respecting Public Order.....	8
9. Policy of Press Censorship.....	8
10 & 11. Co-operative Nature of Press Censorship.....	8

## PART III—RADIO BROADCASTING CENSORSHIP

12. The Law Specifically Relating to Radio Broadcasting Censorship.....	9
13. The Law Respecting the Safeguarding of Information Useful to the Enemy .....	9
14. The Law Respecting Public Order.....	9
15. Policy of Radio Broadcasting Censorship.....	9

## PART IV—NOTES ON THE APPLICATION OF CENSORSHIP

16, 17 & 18. Introductory .....	11
19. Shipping .....	12
20. Troop Movements.....	12
21, 22 & 23. Composition of the Forces.....	12-13
24. Defence Dispositions.....	13
25. Weather Reports.....	13
26. Economic Intelligence.....	14
27. Verification .....	14
28. Conclusion .....	14
Appendix A.....	15
Appendix B.....	23





# CENSORSHIP CO-ORDINATION COMMITTEE

## Press and Radio Broadcasting Censorship

---

### PART I

#### GENERAL

##### 1. *Definition*

Censorship may be defined as being the exercise of a government's right, in the interests of national defence or public safety, to examine all communications and publications and to modify or dispose of them in the manner best calculated to promote those interests.

##### 2. *Objects of Censorship*

So far as Press and Radio Broadcasting is concerned, the object of censorship is to prevent the enemy, so far as may be possible, from obtaining naval, military, air, economic or other information of a nature inimical to the national interest. It is also the business of a censorship to prevent the dissemination of news which might cause disaffection amongst the civil population or injuriously affect the morale of the armed forces.

##### 3. *Authority for Censorship*

The authority for censorship is to be found in appropriate Regulations of the Defence of Canada Regulations which were made and established by His Excellency the Governor General in Council by virtue of the provisions of the War Measures Act on the third day of September, 1939 (P.C. 2483), and as subsequently amended. The principal Regulations relating to censorship are as enumerated hereunder and are printed in full in Appendix "A" to this handbook:—

Regulation	Subject
No. 11	Radio
No. 12	Means of Secret Communication
No. 13	Telegraph Censorship
No. 14	Control of Postal Communications
No. 15	Control of Publications
No. 16	General Provisions for Safeguarding Information useful to the Enemy
No. 17	Communication with Enemy Agents
No. 18	Photography, etc.
No. 39 } No. 39A }	Causing Disaffection.
No. 39B	
No. 62	Right of Criticism Safeguarded
No. 62	Offences by Corporations and Associations
No. 63	Penalties

#### 4. *Nature of Censorship Required to Achieve These Objects*

The nature of the censorship required to achieve the above-mentioned objects varies with the situation existing in a particular country at a particular time. When military operations are in progress within or adjacent to the national territory, a far-reaching censorship is obviously essential. On the other hand, in a country such as Canada which is happily remote from the major theatre of war, a more or less nominal degree of censorship will usually be found adequate to the occasion. The nature of the limited Press and Radio Broadcasting censorship in force in Canada is discussed in the succeeding sections of this handbook.



## PART II

### PRESS CENSORSHIP

#### 5. *The Law Specifically Relating to Press Censorship*

Regulation 15, Defence of Canada Regulations, which specifically relates to Press Censorship, reads as follows:—

(Control of publications.)

“15. (1) The Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication, or as the case may be, the unrestricted publication, thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and an order under this paragraph may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to such authority or person as may be specified in such order.

(2) In this Regulation—

- (a) the expression “cinematograph film” includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film.
- (b) the expression “publication” means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds, in connection with the exhibition of the film as aforesaid.”

6. It will be observed that the above-quoted Regulation is of an empowering nature only. To date the Secretary of State of Canada has not availed himself of the power vested in him to order the submission of matter for censorship prior to publication. On the other hand, publishers are perfectly free to submit matter to the Press Censors should they judge it desirable to do so for their own protection.

#### 7. *The Law Respecting the Safeguarding of Information Useful to the Enemy*

The law safeguarding information useful to the enemy is contained in Regulation 16, Defence of Canada Regulations. Amongst other things, this Regulation makes it an offence for anyone, in any manner likely to prejudice the safety of the State or the efficient prosecution of the war, to publish or communicate information respecting the numbers, disposition and movement of His Majesty's forces, vessels and aircraft, any operations of war, any measures of defence, and any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy. (*See Appendix “A”.*)

## 8. *The Law Respecting Public Order*

In order to complete the picture, it is necessary that passing reference should be made to Regulations 39A and 39B, Defence of Canada Regulations, which appear therein under the head of Public Order. (See Appendix "A".) The purport of these Regulations is clear. In view however of the general attitude and tone of the Canadian Newspapers as a whole, no further reference to them would seem to be required. It may nevertheless be expedient to remark at this point that there is no restriction on the right of any person in good faith to criticize or to point errors in, the Government of Canada or of any Province thereof, or in either House of Parliament or in any legislature, or in the administration of justice. On the other hand, border-line criticism of Canada's war effort might conceivably reach a point where it constituted a violation of Regulation No. 39A, while the publication of matter clearly of a subversive nature is not to be suffered.

## 9. *Policy of Press Censorship*

From the foregoing it is clear that although the Secretary of State of Canada has been empowered to require that Press matter be submitted for censorship prior to publication, the policy actually adopted has been that this should rest on a voluntary basis. The Press Censors are available on a 24-hour day—7-days-a-week basis, to advise in respect of any point that may be submitted.\* Should in their view the matter submitted be unobjectionable, the editor or publisher, as the case may be, may publish the item in all security. On the other hand, should matter be published in disregard of the Press Censors' advice to the contrary, it is incumbent on them to report the circumstances to the appropriate authority who in turn will decide if an offence has been committed and whether or not prosecution should follow. The sanction behind the Defence of Canada Regulations is contained in Regulation 63. (See Appendix "A".)

## 10. *Co-operative Nature of Press Censorship*

It follows therefore that the Canadian Press Censorship is largely of an advisory nature and aims at obtaining the voluntary and loyal co-operation of newspapermen and publishers throughout the country. Thus in actual practice individual editors are expected to act as censors as regards news originating in their respective localities or received through certain news associations direct from external sources. In addition the several news associations, ever since the institution of the censorship, have worked in close co-operation with the Press Censors to the end that doubtful points may be cleared up without delay.

11. Some explanatory notes as to the nature of the information which in the public interest should not be published or broadcast over the radio are given in Part IV.

---

\* For detailed organization of the Press Censorship see Appendix "B."



## PART III

### RADIO BROADCASTING CENSORSHIP

#### 12. *The Law Specifically Relating to Radio Broadcasting Censorship*

Paragraph (2) of Regulation 11, Defence of Canada Regulations, which specifically relates to Radio Broadcasting Censorship, reads as follows:—

“(2) Notwithstanding anything in The Radio Act, 1938, or in the Canada Shipping Act, 1934, or in any regulation issued under such Acts, the Minister of Transport may in his discretion cancel or suspend any licence issued on his behalf in respect of any radio station established on land or on any vehicle in Canada, or on any ship or aircraft registered in Canada, and may control the transmission of messages by such stations, or the working of any radio apparatus used therein in any manner he may deem expedient;

Provided that such cancellation or suspension of a licence shall not render the former licensee liable in any manner for retaining in his or her possession contrary to Section 5 of The Radio Act, 1938, the radio apparatus employed in the station for which such licence was previously in force, on condition that the said equipment is dismantled in such a manner as may be prescribed by the said Minister or any person authorized by him.”

#### 13. *The Law Respecting the Safeguarding of Information Useful to the Enemy*

Attention is invited to the law safeguarding information useful to the enemy described in paragraph 7 above.

#### 14. *The Law Respecting Public Order*

So far as Radio Broadcasting is concerned, Public Order is protected by Regulations 39 and 39B, Defence of Canada Regulations. The purpose of Regulation 39 is obviously to curb the activities of subversive elements who, by one means or another, might endeavour to sabotage the national war effort. (See Appendix “A”.)

#### 15. *Policy of Radio Broadcasting Censorship*

##### (a) *Broadcasting Generally*

*The censorship policy in respect of radio broadcasts of a general nature is that station managers are held responsible that nothing shall be broadcast over their respective stations of a nature such as to constitute an offence against the provisions of the Defence of Canada Regulations, notably Regulations 16 and 39. This policy is fully in line with that of the Canadian Broadcasting Corporation, the regulations of which make station managements responsible that no person shall broadcast anything contrary to law. The only difference created by the war*

*is that since its outbreak the law has been extended. A series of directives have been issued for the guidance of station managers and the Radio Broadcasting Censor is constantly available to advise them in case of need.*

The office of the Radio Broadcasting Censor has been established in Room 111, Victoria Building, Wellington Street, Ottawa.

(b) *Political Broadcasts*

As it is obviously impossible to exercise control over statements which during election campaigns may be made from public platforms, it was early decided that political broadcasts should be restricted to studio broadcasting. It has further been decided that texts of political addresses need not be submitted for censorship. On the other hand, during election campaigns, assistant broadcasting censors will be stationed at appropriate points to render assistance to station managements in respect of any special problems which may arise.

In the exercise of their duties broadcasting censors are guided solely by the requirements of the law. They are therefore bound to see to it that matter of a nature such as to constitute an offence against Regulations 16 and 39, Defence of Canada Regulations, is not permitted to be broadcast. They are also required to see to it, as has already been observed in paragraph 8 above, that no restriction is placed on the right of any person freely and in good faith to criticize or to point errors or defects in, the Government of Canada or of any Province thereof, or in either House of Parliament or in any legislature or in the administration of justice.



## PART IV

### NOTES ON THE APPLICATION OF CENSORSHIP

#### 16. *Introductory*

It is clearly to the interest of a belligerent country to prevent the enemy, as far as may be possible, from obtaining information as to the precise strength and condition of its Fighting Services and as to certain aspects of its economic and financial position. At the same time each belligerent does its utmost to pierce the veil of secrecy surrounding the enemy's internal situation. The first of these objects may be achieved, in part, by the institution of censorship; the second, by the work of its Intelligence Services.

17. Now military intelligence officers, and here the expression military is used in its wider sense, are not men gifted with miraculous powers of divination, nor are they as a rule inspired by flashes of genius. On the contrary, they are simply capable and hard-working experts who patiently and laboriously collate and eventually piece together items of information respecting the enemy which they gather together from every conceivable source. Their work may be likened to the building up of a jig-saw puzzle. If a sufficient number of pieces can be brought together, many sections of the picture may be completed and at least a good working idea of the whole can be obtained. It follows then that it is the duty of everyone to do his or her utmost to prevent important items of information from passing into the enemy's possession.

18. The nature of the information which in the national interest should not be published is fully stated in Regulation 16, Defence of Canada Regulations. In the interpretation of the comprehensive provisions of this Regulation, newspapermen, radio speakers and censors must be guided by the following general consideration, namely, will the publication of the item of information in question be likely, in any manner, to be helpful to the enemy; or put in another way, will it prejudice the safety of the State or the efficient prosecution of the war? They must also bear in mind that as respects some matters, Canada's geographical position is such as to make it possible to adopt a somewhat more libertarian attitude than would be possible were this country less remote from the theatre of active operations. In many instances, censors will find themselves obliged to seek the advice of the Service or Department concerned. In order however to afford all concerned as great a measure of guidance as possible, but not so as to restrict the generality of the provisions of Regulation 16, the following notes have been prepared.

## 19. Shipping

- (a) With a stern and relentless war at sea in progress it is clear that we should not give the enemy any information as to arrivals, departures and routings of our own or allied shipping. Nor again should there be any mention of the comings and goings of our warships, or those of our allies, for it is on such information that the enemy bases his offensive operations. Each ship that is lost diminishes by a stated amount the strength of our war effort and the merest inkling of certain naval dispositions may bring to naught well-laid plans for the destruction of enemy commerce raiders. The case for absolute secrecy respecting the departures of troop transports need hardly be stressed.
- (b) On the other hand it frequently occurs that news respecting naval operations or merchant shipping originates in neutral countries and in the ordinary course is received by news associations operating in Canada. In these circumstances any item of news, whether it be substantially correct or merely conjectural, has been given wide publicity over one or more continents. Consequently there can be no objection to its publication in Canada *provided always that when published the source of the story is clearly indicated.*

## 20. Troop Movements

It is however opportune to point out that the publication of news of the entrainment of troops at their home stations may be quite as unwise as the announcement of the sailing date of a convoy. The time required to travel by train between any two points can be ascertained without difficulty and if to this there be added a time allowance for embarkation the date of sailing can, with quite fair accuracy, be deduced. To date an admirable reticence has been shown by all newspapers respecting the movements of Canadian troops overseas. So far these movements have been carried out with success and to this the complete absence of publicity has undoubtedly been a contributing factor. On the other hand, inland moves of units, and training centres from winter quarters to summer training areas and so on may be reported without risk.

## 21. Composition of the Forces

Nor is it in the public interest to publish the detailed composition of our Armed Forces. It will have been noted that the United Kingdom and France announce only the bulk numbers of the men that have been called to the colours. Of the number of divisions in the French Army few people in this country have any knowledge. The United Kingdom has been careful not to disclose the number or the composition of the army corps or air formations she has despatched across the Channel. And for all his boastful propaganda as to Germany's mighty army, Dr. Goebbels has been far too crafty ever to have given the world the slightest inkling



as to the number of divisions that the German High Command has massed against the West Wall. That is something for Germany's enemies to find out as best they can.

22. So far as Canada is concerned it would be impractical to attempt such a measure of secrecy. Nevertheless it would be unwise to parade to the enemy the exact composition of our forces. Daily the news despatches tell the story of patrol actions on the Western Front. The object of these operations is to maintain touch with the enemy and by means of the identifications resulting from the taking of prisoners, to reconstitute the composition of his forces, or in other words, his Order of Battle. Before long Canadian forces will be similarly engaged. Is it then reasonable gratuitously to furnish the enemy with the information for which he will be prepared to fight in the days to come?

23. In any event, immediately after public announcement had been made of the Government's intention to despatch some 7,000 non-divisional troops overseas, the General Officer Commanding, 1st Canadian Division, earnestly requested that the organization of these forces be kept secret to the end that the exact composition of his command might be kept from the enemy. It is for reasons such as these that the Department of National Defence is averse to publishing full schedules of the forces that have been mobilized.

#### *24. Defence Dispositions*

The forms and scales of attack to which it is estimated Canada is exposed are admittedly of a lesser order than those of many other countries. Nevertheless our defended ports might at any time be subjected to bombardment raids. It is to counter such risks that the Fighting Services have been required to make certain dispositions in order to ensure the security of our coastal terminals. That they have done so is by no means a secret. Indeed, within reasonable limits, the more publicity is given to this aspect of our defensive preparations, the greater may be the deterrent value of the measures that have been taken. On the other hand it is highly inexpedient to provide the enemy with precise details of the nature of our defences. Thus, for example, while there is no reason to withhold stories to the effect that our ports are defended by the Navy, Army and Air Force, it is obviously not in the national interest to report the nature and strengths of the forces so employed, nor of the fortifications that have been manned. It is of equal importance that no publicity should be given to the movement of service aircraft from one point to another.

#### *25. Weather Reports*

Many operations of war are in no little measure dependent on the conditions of weather likely to be experienced during their progress. If then the enemy can be denied useful meteorological information on which to base his forecasts, a further element of risk will attach to his projected operations. The science of meteorology is far-reaching. To such an

extent is this the case that reports of weather conditions prevailing over the Atlantic Ocean and the North American continent are of considerable importance to meteorologists in Western Europe. It is for this reason that since the commencement of the war newspapers and broadcasters have been requested to refrain from publishing weather reports which might be of assistance to the enemy.

## 26. *Economic Intelligence*

These notes on the censorship of news would be incomplete without reference to the economic side of warfare, the importance of which it would be difficult to over-emphasize. Actually, care is taken by Government bodies, including the Bureau of Statistics, to ensure that statements issued for publication are framed in such a way as to give the least possible measure of information useful to the enemy. Thus it will have been observed that the frequent statements of the work achieved by the War Supply Board specify only the general value and nature of the munitions for which contracts have been let. Large industrial and mining companies are guided by similar motives. It is for this reason that care is taken, whenever possible, to keep the enemy in the dark as to international gold movements within the Commonwealth and to Allied countries.

## 27. *Verification*

Censors do not undertake the verification of items of news submitted to them and consequently permission to publish constitutes no guarantee of the accuracy of the news passed. Each item of news is judged entirely from the point of view of its effect on the conduct of the war, irrespective of its truth or falsity.

## 28. *Conclusion*

As was stated at the outset of this handbook, the object of censorship is to prevent the enemy from obtaining naval, military, air, economic or other information of a nature inimical to the national interest. The more important points have been discussed separately above. It will have been observed that with respect to some heads it is essential that complete reticence be observed. With respect to others, experience has shown that the mere use of generalization (which simply implies the avoidance of specific detail) will usually meet the requirements of the censorship without materially affecting the news value of the story. It is in the light of these considerations that newspapermen are requested, for example, to avoid tying down naval and other activities to any particular port, the enumeration in detail of the Order of Battle of our armed forces, the movements of shipping, troops and Service aircraft, detailed descriptions of technical Service equipment, war supply and so on, and it is hoped that these notes will have made clear why precautions of this nature are essential in the public interest.

CENSORSHIP CO-ORDINATION COMMITTEE,  
OTTAWA, 19th March, 1940.



## APPENDIX "A"

### DEFENCE OF CANADA REGULATIONS

Regulations, 11, 12, 13, 14, 15, 16, 17, 18, 39, 39A, 39B, 62 and 63.

Radio.

**11.** (1) No person shall establish any radio station, as defined in The Radio Act, 1938, or install, operate or have in his possession any radio apparatus at any place in Canada or on any ship or aircraft registered in Canada, except under and in accordance with a licence granted in that behalf by the Minister of Transport.

(2) Notwithstanding anything in The Radio Act, 1938, or in the Canada Shipping Act, 1934, or in any regulation issued under such Acts, the Minister of Transport may in his discretion cancel or suspend any licence issued on his behalf in respect of any radio station established on land or on any vehicle in Canada, or on any ship or aircraft registered in Canada, and may control the transmission of messages by such stations, or the working of any radio apparatus used therein in any manner he may deem expedient:

Provided that such cancellation or suspension of a licence shall not render the former licensee liable in any manner for retaining in his or her possession contrary to Section 5 of The Radio Act, 1938, the radio apparatus employed in the station for which such licence was previously in force, on condition that the said equipment is dismantled in such a manner as may be prescribed by the said Minister or any person authorized by him.

(3) Any person duly authorized by the Minister of Transport may take such steps and use such force as may appear to that person to be reasonably necessary for securing compliance with any of the preceding paragraphs of this Regulation where a contravention of such has occurred, and for enabling proceedings in respect of such contravention to be effectually taken.

Means of  
Secret Com-  
munication.

**12.** (1) No person shall knowingly have in his possession, or knowingly send by post or otherwise to any destination, whether within or outside Canada:—

- (a) Any instructions for utilizing any means of secretly conveying, receiving or recording information
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, or
- (c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (a) of paragraph (1) of this Regulation, shall, if requested by or on behalf of the Minister of Justice so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this Regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Minister of Justice so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this Regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this Regulation.

(5) In this Regulation the expression "instructions for utilizing any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this Regulation shall not apply—

- (a) to the possession of any code or cipher which is proved to be intended and used solely for commercial or other legitimate purposes, or
- (b) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used.

**13. (1) The appropriate Minister may:**

- (a) Direct or cause the whole or part of the offices, works and property of any cable, radiotelegraph, telegraph or telephone company or any radio apparatus in the possession or under the control of or on the premises of any individual or company, to be entered and possessed in the name of His Majesty, and on his behalf, and to be used for His Majesty's service, and subject thereto, for such ordinary service as the Minister may permit;
- (b) Direct any person to assume entire or partial control of the transmission of messages by the cables, apparatus or wires of any such individual or company;
- (c) Direct any cable, radiotelegraph, telegraph or telephone company to submit to him or to any person authorized by him all cablegrams, telegrams and messages tendered for transmission or arriving by any such company's cable, wires or radio apparatus, or any class or classes of such telegrams, cablegrams or messages, or to deliver the same to him or to his agent; the said Minister may direct any such company to transmit through certain named offices only, all messages (including oral messages tendered to or received by any telephone company) that may be intended to pass out of Canada.

(2) The appropriate Minister may require any person whom he commissions, directs or authorizes to enter, take possession of or assume control of any office, works or property or part thereof, or of the transmission of messages in pursuance of this Regulation, and may also require any person employed by or connected with any such company as is mentioned in this Regulation to subscribe to the oath appended hereunder:

In the matter of the War Measures Act  
and

In the matter of the Defence of Canada Regulations

I, ..... of the .....  
of ....., in the ..... of .....  
....., DO SOLEMNLY SWEAR that I will not, until  
(Occupation)  
relieved of this obligation by notice in writing from the Minister  
of ....., transmit or permit to  
be transmitted any message (by cable, radio, ordinary telegraph or



telephone, as the case may be) passing through the office or exchange in which I am employed and intended for delivery outside of Canada, unless I am satisfied on good and reasonable grounds that the said message contains no matter giving information such as is calculated to be or as might be directly or indirectly useful to the enemy, and that I will to the best of my ability learn the subject-matter of all messages, intercept any message containing any such information, and will immediately make known the terms of such message and all facts that I can ascertain as to the identity of the sender thereof to .....

Sworn before me at the ..... of .....,  
in the ..... of ....., this .....  
day of ....., A.D. 19...

(3) All persons who, in pursuance of this Regulation have entered, taken possession of or assumed control of any office, works or property or part thereof, or of the transmission of messages, and also all persons employed by or connected with any such company as is mentioned in this Regulation, shall obey and conform to all such directions as may be issued by the appropriate Minister.

(4) Whenever in this Regulation the expression "company" is used, either in association with such words as "cable" or "telegraph" or otherwise, it shall be deemed to extend to and to include a person, partnership and a body corporate.

(5) In this Regulation the expression "the appropriate Minister" means:

- (a) With reference to the operations, works or property of any cable company, telegraph company or telephone company and so far as concerns trans-oceanic radio communications with reference to the operations, offices, works or property of any radio telegraph company, the Minister of National Defence;
- (b) With reference to the operations, offices, works or property of any radiotelegraph or radiotelephone station, radio broadcasting station or any other class of radio station whether for transmission or reception, or both, which do not form part of any of the classes of telecommunication hereinbefore in this paragraph mentioned, the Minister of Transport.

Control of  
Postal Com-  
munications.

14. (1) The Postmaster General may make provision by order for securing that mailable matter of any such description as may be specified in the order shall not be despatched by post from Canada to destinations outside Canada, except in accordance with the order.

(2) The Postmaster General may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from Canada to any destination outside Canada otherwise than by post, or conveyed into Canada otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

(3) Any person who is about to leave Canada or arrives in Canada, which person is hereafter referred to as the "traveller" shall, if requested so to do by the appropriate officer,—

- (a) declare whether or not the traveller has with him any such article as is mentioned in paragraph (2) of this Regulation;
- (b) produce any such article as aforesaid which he has with him;

and the appropriate officer, and any person acting under his directions, may examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of this Regulation, and, if the appropriate officer has reasonable ground for suspecting that the traveller has any article about his person in contravention of that paragraph, he may search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the appropriate officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph:

Provided that no woman shall be searched in pursuance of this paragraph except by a woman.

(4) Where any person is found on any occasion in circumstances in which it is reasonable to suppose that he is communicating with or intends to communicate with a traveller, the provisions of paragraph (3) of this Regulation shall apply in relation to the person so found as they apply in relation to the traveller; and where any person is on any occasion found travelling to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if he on being so found had been a traveller.

Censorship.

(5) The Postmaster General may by order make provision for the censorship of all mailable matter, or of any class or classes of such mailable matter, as may pass through or be dealt with in any way in the mails of Canada and the Postmaster General may appoint a Director of Postal Censorship to carry out the purposes of this Regulation.

(6) Where there is declared or produced to the appropriate officer in compliance with this Regulation, or discovered by the appropriate officer in circumstances in which it ought to have been so declared or produced, any such plate, film or other article as aforesaid which he suspects to have been exposed in a camera but not developed, he may cause to be taken, or require the person by whom it is declared or produced or in whose possession it is discovered to take such steps (including subjection of the article to the process of development) as may be reasonably necessary for enabling the appropriate officer to ascertain whether or not it has been so exposed.

(7) In this Regulation—

- (a) the expression "mailable matter" has the same meaning as in the Post Office Act, Chapter 161, R.S. of Canada, 1927;
- (b) the expression "photographs" includes any photographic plates, photographic films or other sensitized articles which have been exposed in a camera, whether they have been developed or not; and
- (c) the expression "the appropriate officer" means any officer of the Post Office or Customs and Excise, any immigration officer or any constable.



Control of  
publications.

**15.** (1) The Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication, or, as the case may be, the unrestricted publication, thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and an order under this paragraph may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to such authority or person as may be specified in such order.

(2) In this Regulation—

- (a) the expression "cinematograph film" includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film;
- (b) the expression "publication" means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds, in connection with the exhibition of the film as aforesaid.

General  
provisions for  
safeguarding  
information.

**16.** No person shall, in any manner likely to prejudice the safety of the State or the efficient prosecution of the war, obtain, record, communicate to any other person, publish, or have in his possession any document or other record whatsoever containing, or conveying any information being, or purporting to be, information with respect to any of the following matters, that is to say:—

- (a) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft;
- (b) any operations or projected operations of any of His Majesty's forces, vessels or aircraft;
- (c) any measures for the defence or fortification of any place on behalf of His Majesty;
- (d) the number, description or location of any prisoners of war;
- (e) munitions of war;
- (f) any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy.

Communica-  
tion with  
enemy agents.

**17.** No person shall communicate or associate with any other person if he has reasonable cause to believe that such other person is engaged in assisting the enemy:

Provided that in any proceedings taken by virtue of this Regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to the public safety or the safety of the State.

Photography,  
etc.

**18.** (1) Subject to any exemptions for which provision may be made by order of a competent authority, no person shall, except under the authority of a written permit granted by or on behalf of a competent authority make or publish any photograph, sketch, plan or other representation—

- (a) of a protected place, or of any part of or object in a protected place, or of an object of any such description as may be specified by order of a competent authority, or
- (b) of, or of any part of or object in, any area in Canada as may be specified by order of a competent authority, being an area in relation to which the restriction of photography appears to that competent authority to be expedient in the interests of the safety of the State.

(2) A competent authority may make such orders, and any person acting on behalf of a competent authority may give such special directions, as the said authority or person thinks necessary for securing that photographs, sketches, plans or other representations made under the authority of a permit granted in pursuance of paragraph (1) of this Regulation, shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order or directions, as the case may be; and a competent authority, or any person acting on its behalf, may, if that authority or person thinks it necessary in the interests of the safety of the State so to do, retain or destroy or otherwise dispose of, anything submitted as aforesaid.

(3) For the purposes of this Regulation, "a competent authority" shall mean the Minister of Justice or the Minister of National Defence.

Causing  
disaffection.

### 39. No person shall

- (a) spread reports or make statements intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated Powers or to prejudice His Majesty's relations with foreign Powers;
- (b) spread reports or make statements intended or likely to prejudice the recruiting, training, discipline, or administration of any of His Majesty's forces; or
- (c) spread reports or make statements intended or likely to be prejudicial to the safety of the State or the efficient prosecution of the war.

**39A.** No person shall print, make, publish, issue, circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind containing any material, report or statement

- (a) intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated Powers, or to prejudice His Majesty's relations with foreign Powers;
- (b) intended or likely to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces; or
- (c) intended or likely to be prejudicial to the safety of the State or the efficient prosecution of the war.

**39B.** (1) A prosecution for an offence against either Regulation 39 or 39A of these Regulations shall not be instituted except by, or with the consent of, counsel representing the Attorney-General of Canada or of the Province.

(2) It shall be a defence to any prosecution for an offence against Regulations 39 or 39A to prove that the person accused intended in good faith merely to criticize or to point out errors or defects in, the Government of Canada or any province thereof, or in either House of Parliament of Canada or in any legislature, or in the administration of justice.

Legal  
proceedings.

**62.** (1) For the purposes of the trial of a person for an offence against any of these Regulations, the offence shall be deemed to have been committed either at the place at which the same actually was committed, or at any place in Canada in which the offender may be found.

(2) In addition, and without prejudice to any powers which a Court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a Court against any person for an offence against any of these Regulations or the proceedings on appeal, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be likely to assist the enemy or to prejudice the public safety, the safety of the State or the efficient prosecution of the war, that all or any portion of the public shall be excluded during any part of the hearing, the Court may make an order to that effect but the passing of sentence shall in any case take place in public.

Offences by  
corporations.

(3) Where the person guilty of an offence against any of these Regulations is a company or corporation, every person who at the time of the commission of the offence was a director or officer of the company or corporation shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence.

(4) Where any act is committed by or on behalf of or in the name of any association, organization or society which if committed by an individual person would constitute an offence against the provisions of Regulations 39 or 39A of these Regulations, each officer, or person acting or professing to act or holding himself out as an officer or otherwise performing or purporting to perform any executive or official work or duty for or on behalf of any such association, organization or society shall be deemed to have committed such act and be guilty of such offence unless he proves that the act constituting the offence took place without his knowledge or consent or that he exercised all due diligence to prevent the commission of such an act.

(5) (a) On the conviction of any person on indictment pursuant to the provisions of paragraph (4) of this Regulation the court may, in its discretion, if it sees fit, declare the association, organization or society by or on behalf of or in whose name such act was committed to be an illegal organization, and in that event every person who thereafter continues to be or becomes an officer or member thereof or professes to be such, or who advocates or defends the acts, principles, or policies of such illegal organization shall be guilty of an offence against this Regulation.



- (b) A person convicted on indictment pursuant to the provisions of the said paragraph (4), or an executive officer of the association, organization or society involved, may appeal to the court of appeal against a declaration as aforesaid, and the Attorney-General of Canada or of the Province may appeal likewise against a refusal to make such a declaration.
- (c) The procedure upon such an appeal and the powers of the court of appeal shall, *mutatis mutandis* and so far as the same are applicable to such an appeal, be similar to the procedure provided and the powers given by sections 1012 to 1021 inclusive, of the Criminal Code and the Rules of the Court passed pursuant thereto and to section 576 of the Criminal Code.
- (d) The court of appeal on the hearing of any such appeal may
  - (i) allow the appeal to set aside the declaration or make a declaration as aforesaid, as the case may require; or
  - (ii) dismiss the appeal.

(6) For the purposes of Regulation 39 and 39A the word "persons" as used therein shall, in addition to any other meaning it may have, include any association, organization and society.

Penalties.

**63.** (1) Every person who contravenes or fails to comply with any of these Regulations, or any order, rule, by-law, or direction, made or given under any of these Regulations, shall be guilty of an offence against that Regulation.

(2) Where no specific penalty is provided, such person shall be liable on Summary Conviction to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment; but such person may, at the election of the Attorney-General of Canada or of the Province, be prosecuted upon indictment, and if convicted shall be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.

## APPENDIX " B "

## ORGANIZATION OF PRESS CENSORSHIP IN CANADA

There are two Press Censors for Canada—one English and one French. Their office is in the Victoria Building, Wellington Street, Ottawa. The telephone numbers are as follows:—

2-8211, Loc. 408 and Loc. 609.

This office is staffed from 9 a.m. to 9 p.m. daily, except Sundays; on Sunday evening and weekdays, except Saturday, a night office is maintained in the Citizen Building—Telephone 2-4062.

The Regional Offices are as follows:—

TORONTO Office—6th Floor, Globe & Mail Building—Waverley 0174.

MONTREAL Office—Suite 102-104, Post Office Building, Place d'Armes—Lancaster 0931.

HALIFAX Office—The Tower, Halifax Federal Bldg.—B-7733.

VANCOUVER Office—Suite 502-503, Dominion Bank Building—Marine 5544.

Should Press Censors at any centre be required during non-office hours, calls should be made at any hour of the day or night to their residence numbers.



















3 1761 11465470 0

